

# FEMA Programmatic Biological Assessment (PBA)

Specific Project Information File  
(SPIF)

# Agenda

- Outline FEMA Endangered Species and Magnuson-Stevens Act consultation
- Explain FEMA Programmatic Biological Assessment (PBA)
- Answer what is a SPIF?
- Describe how it may relate to the next disaster declaration

# FEMA Responsibility

- Assure grant compliance with federal law
- National Environmental Policy Act (NEPA)
- Endangered Species Act – USFWS/NMFS
- Magnuson-Stevens Fishery Conservation and Management Act – NMFS
- Clean Water Act – USACE Applicant does contact FEMA needs documentation if work completed.

# Applicant

- Coordinate and comply with State and local laws such as:
- WDFW for HPA
- Submit JARPA to DOE and other issues, burn permits, waste disposal, CZMA (shoreline management)
- Local county ordinances (critical areas)

# Normal ESA Consultation Process

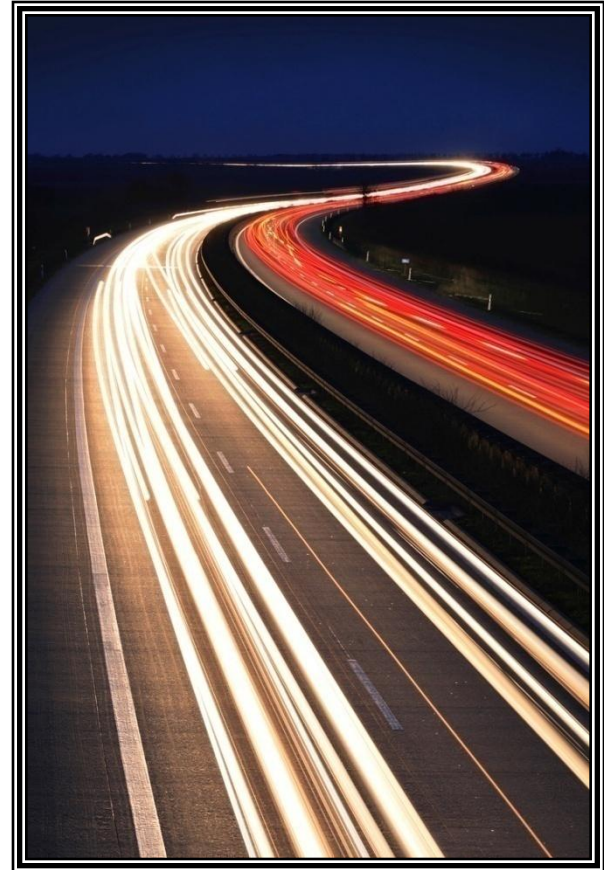
- No Effect Call
- FEMA writes a Biological Assessment (BA) for a project and submits to one or both agencies
- Federal Services (USFWS/NMFS) reviews BA and either concurs with FEMA determination or not
- Federal Services issues concurrence letter with Conservation Measures

# Background

- 2009 FEMA, NMFS, and USFWS sign a Programmatic Biological Assessment (PBA) for 14 Categories of Activities
- PBA Eliminates need for lengthy Biological Assessment
- Complies with Endangered Species Act and Magnuson-Stevens Act consultation requirements for those 14 activities

# Benefits of PBA

- PBA may expedite Environmental Review Process and funding.
- PBA gives applicant some standardized BMP's and Conservation Measures
- PBA helps make planning/documentation a priority



# PBA Process Overview

- Assure project fits in PBA activity
- Document in a Specific Project Information File (SPIF)
- Submit SPIF to NMFS/USFWS for review
- Concurrence for NLAA within 15 days



# Washington State FEMA Informal Consultation Flowchart with Programmatic Biological Assessment

## Project Scope of Work

FEMA determines **"No Effect"** on ESA/MSA listed species. **No consultation.**

FEMA determines that the project **"May Affect"** ESA/MSA listed species.

FEMA determines the project will have an **"Adverse Affect"** project will require a **change in Scope of Work** or initiation of **Formal Consultation** with Federal Services (Usually change Scope of Work).

FEMA determines the project **"May Affect, Not likely to Adversely Affect"** (NLAA) listed species or designated critical habitat.

Project scope of work **fits within the PBA**. Conservation Measures are already agreed upon **concurrency from Federal Services within 15 days**.

Project **does not fit PBA**. Individual Informal Consultation initiated with Federal Services with a **BA and Request for Concurrence**.

**Federal Services do not concur** with FEMA's NLAA determination. Project will require a **change in the Scope of Work** and resubmitted or **FEMA initiates Formal Consultation**.

**Federal Services concurs** with FEMA's NLAA determination in Concurrence letter and includes any additional Conservation Measures.

# PBA Limitations

- Applies to areas west of the Cascade Crest for USFWS Species in Washington State
- Applies to ESA/MSA in all of Washington for NMFS covered Salmonids
- Limited number of activities covered

# PBA

- Organization
  - 14 Activities
  - Limitations to actions
  - Conservation Measures and BMP's required for each activity
- Documentation → → → • SPIF

# Categories Of Activities

1. Organic Debris Removal
2. Mineral Debris Removal
3. Anthropogenic and Animal Debris Removal
4. Spawning Channel Restoration and Gravel Removal
5. Piling Repair and Replacement
6. Dewater and Water Diversion
7. Recreation Structure Repair

# Categories of Activities

8. Wave and Seawall  
Repair

9. Revetment Repairs

10. Road, Sidewalk and  
Trail Repairs

11. Bridge and  
Abutment Repairs

12. Stormwater System  
Repair

13. Building Elevation

14. Building Acquisition  
and Removal

**What if a Project does  
not fit the PBA?**

**Standard consultation  
is initiated.**

# SPIF

- To complete information on SPIF:
  - Review Categories of Actions – does the project fit into the PBA?
  - Comply with CMs associated with the Respective Category of Action (PBA Appendix)
  - Follow BMPs appropriate for Action (small Roman numeral CMs in the PBA Appendix)

# SPIF

- Detailed project information is required.  
Here's where previous documentation helps!!
- Type of information
  - Similar to JARPA information – fill out concurrently?
  - Some information can be transcribed from the Sub Applicant Grant (SOW, DDD, etc)



# Resource Materials on FEMA Website

- The Programmatic Biological Assessment
- Services Letters of Concurrence
- A current copy of the SPIF
- An example completed SPIF
- Categories Covered with Associated Conservation Measures

# Resource Websites

- Governors office of regulatory assistance
- <http://www.ora.wa.gov/resources/permitting.asp>
- PBA on R-X FEMA website
- <http://www.fema.gov/library/viewRecord.do?id=4100>
- State EMD
- [http://www.emd.wa.gov/disaster/disaster PA ApplicantManual.shtml](http://www.emd.wa.gov/disaster/disaster_PA_ApplicantManual.shtml)

# Other important information

- Was a previous biological assessment (BA) prepared for projects in this area/on this river system?
  - If yes, attach a copy of the BA, and any correspondence with US Fish and Wildlife Service and/or National Marine Fisheries Service regarding it (including a request for concurrence letters and concurrence response letters).

# Project Conditions REC

- **Endangered Species Act** : Applicant shall comply with the conditions stated in the specific project information file (SPIF) and NMFS and/or USFWS concurrence letters (attached). Failure to do so may jeopardize funding. Documentation may be required at closeout.
- **Magnuson-Stevens Fishery Conservation and Management Act (MSA)**: Applicant shall comply with the conditions stated in the specific project information file (SPIF) and NMFS and USFWS concurrence letters (attached) under ESA. Failure to do so may jeopardize funding. Documentation may be required at closeout.

# Project Conditions SPIF

- If Conservation Measures are not implemented the project may no longer comply with NLAA determination.

# Project Conditions Letters

- Letters of Concurrence from USFWS/NMFS
- Conditions in letters
- If conditions not met, project may be out of compliance for a NLAA

# Prerequisites

- Applicant
  - Legal project
  - Document damage and details of any work completed
  - Agencies contacted and results



# Legal Project

- Pre-disaster planning
- Applicant needs some background on laws
- Emergency contacts prior to doing work
- USACE
- WDFW – HPA
- Floodplain
- Others.....





# Documentation

- Document emergency work
- Document Conservation Measures and Best Management Practices
- Photos
- In water work
- Sensitive areas
- Equipment use
- Disposal receipts

# Agencies Contacted

- USACE
- USFWS
- NMFS
- WDFW
- WDOE
- Local FP Administrator
- In water or wetland work. Emergency assistance.
- In water work, emergency HPA
- Burn permits, Hazmat, wastewater
- FP permit

# Applicant Checklist

- Predisaster planning & coordination
  - ✓ Crews know CM & BMP's and protocols
  - ✓ Permit contact numbers and agreements

# Applicant Checklist

- During Disaster
  - ✓ Life & Property Protection Priority # 1
  - ✓ Make permit calls as necessary
  - ✓ Crews take photos
  - ✓ Implement CM's and BMP's as is practical and possible.

# Applicant Checklist

- Post Disaster
  - ✓ Document actions taken
  - ✓ Inform permit agencies
  - ✓ Initiate any Applications: JARPA, HPA, Army Corps.

# Questions?

